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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,696	05/24/2001	Thomas E. Creamer	6169-224	1725

7590

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EXAMINER

COFFY, EMMANUEL

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/864,696	CREAMER ET AL.	
	Examiner	Art Unit	
	Emmanuel Coffy	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is responsive to the amendment filed on 1 January 2005. Claim 4 and the specification were amended. Claims 1-23 are pending. They represent a Method for a "Server Program Interface to Service Logic Execution Environment."

Response to Arguments

2. Applicant's arguments filed 1 January 2005 have been fully considered but they are not persuasive. In response to Applicant's arguments, 37 CFR § 1.111(c) requires applicant to "clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections."

The Examiner maintains the arguments presented in the First Office Action as outlined below and the rejection is therefore sustained.

3. Novelty Not Pointed Out

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

First, applicant argued, "it can be appreciated that Lee is a software development tool and/or an user accessible administration tool for a development or administration environment. Lee provides no teachings for a Web interface capable of functioning in an execution environment. Further, Lee makes no mention of a SLEE and teachings provided within Lee would no [sic] make sense within such a real-time execution

environment. " However, in one aspect Lee teaches a web interface to a service creation environment. (See col. 1, lines 50-59.) Thus, Lee is indistinguishable from the present invention. It follows that Lee reads on the subject invention clearly anticipating it and the independent claims are thereby rejected.

Second, applicant asserts that Lee's teachings are not applicable to this type of execution environment and one of ordinary skill in the art would not turn to Lee for teachings in this regard. Lee's entire specification is tailored to an administrative interface, which does not have real-time telephony timing concerns and does not function within the same problem space as the Applicants' invention. The Examiner disagrees. An applicant is charged with the burden to clearly point out patentable novelty in view of the state of the art disclosed by the references as cited. Applicant is invited to specifically ascertain the real-time telephony timing concerns that escape Lee. Said real-time telephony timing concerns should be reflected in the drawings and the limitations as claimed

Third, applicant further argued that teachings provided within Lee would no [sic] make sense within such a real-time execution environment. In contradistinction to applicant's assertion, Lee teaches a web page that continuously communicates the user inputs to a node in the telecommunications network. Furthermore, applicant argues that Lee provides no teachings regarding an Internet enabled service component .Yet, Lee provides for continuous communication with the user via a web page in a telecommunication setting implying real time execution. Lee is directed to the need to have a way to allow a service subscriber to quickly and easily make changes or updates to telecommunications service parameters. See col. 1, lines 44-48. At the instant the

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subscriber is making those changes, the system is performing a real-time interactive operation.

Applicant should endeavor to articulate the invention in clear and discernible terms to an artisan of ordinary skill in the art. The claims of a patent should clearly delineate the metes and bounds of the invention, thereby providing unambiguous demarcation of what the inventor owns and what is in the public domain.

Lastly, applicant contrasted the cited prior art to the invention in an attempt to show the elements not taught by the prior art. However, Applicant has failed to clearly point out patentable novelty in view of the state of the art disclosed by the references cited that would overcome the 102(b) clear anticipation.

With respect to the 103 (a) rejections applied against the claims and in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Therefore, the rejection is sustained.

4. The dependent claims stand rejected as articulated in the First Office Action and all objections not addressed in Applicant's response are herein reiterated.

Claim Rejections - 35 USC § 102

The following is a quotation of the second paragraph of 35 U.S.C. 102:

A person shall be entitled to a patent unless-

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 6-11, 13-23 directed to an advanced intelligent network, method and software are rejected under 35 USC 102(e) as being clearly anticipated by Lee et al. (US 6,480,890).

Lee teaches a web interface to a service creation environment which includes a service logic parser adapted to receive a service logic description from the service creation environment, parse the service logic description and generate a web browser readable service data file. (See abstract)

Claim 1:

Referring to claim 1, Lee teaches an advanced intelligent network comprising: (See Fig. 1)

a service logic execution environment (SLEE), said SLEE comprising an event handler for routing messages between and among client components and service components; (See col. 1, lines 49-59).

at least one service component configured to post and receive messages to and from other service components in said SLEE through said event handler; and (See col. 1, lines 49-52).

at least one Internet enabled service component (IESC) executing in said SLEE, said IESC configured to post and receive messages to and from other service

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components in said SLEE through said event handler, said IESC communicatively linked to a server side program external to said SLEE. (See col. 3, lines 19-27).

Claim 2:

Referring to claim 2, Lee teaches a telephony environment having a service logic execution environment (SLEE), an Internet enabled service component (IESC) for use with the SLEE, said IESC comprising: (See Fig. 1 and Fig. 2).

at least one client service instance, each said client service instance corresponding to an Internet service application; and (See col. 4, lines 39-44).

a service wrapper, said service wrapper providing a common interface to said at least one client service instance for routing events between the SLEE and said at least one client service instance. (See col. 4, lines 44-54).

Claim 3:

Referring to claim 3, Lee teaches the IESC of claim 2, said service wrapper further comprising a deployment descriptor for providing configuration information to the SLEE. (See col. 4, lines 59-63).

Claim 4:

Referring to claim 4, Lee teaches the IESC of claim 2, said service wrapper further comprising a service interface for publishing an interface to said service wrapper. (See col. 4, lines 39-54).

Claim 6:

Referring to claim 6, Lee teaches the IESC of claim 2, said at least one client service instance further comprising a content interface for publishing an interface to said client service instance. (See col. 5, lines 58-61).

Claim 7:

Referring to claim 6, Lee teaches the IESC of claim 2, wherein said IESC interacts with other generic service components, external applications, service components, or protocol stacks. (See Fig.1 (10, 14) and Fig. 2 (23, 21, 24, 50, 22).
(See col. 3, lines 17-27 and col. 2, lines 39-45).)

Claim 11:

Referring to claim 11, Lee teaches the method of claim 10, further comprising: posting a second event to the SLEE responsive to said interaction between said client service instance and said Internet service application, said second event corresponding to said interaction. (See Fig. 3 (83) event 1 -> time; event 2 -> destination).)

Claim 13:

Referring to claim 13, Lee teaches the method of claim 8, wherein said first event is from a generic service component. (See col. 5, lines 41-43).)

Claims 8-10 and 14-23

These claims do not teach or define any significantly new limitations above and beyond claims 1-4, 6-11 and 13 to warrant particular treatment, and therefore, are rejected for similar reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lee Jr. et al. (US '890) in view of Tschirhart et al. (US 6,178,438.)

Lee Jr. teaches the invention substantially as claimed including a web interface to a service creation environment which includes a service logic parser adapted to receive a service logic description from the service creation environment, parse the service logic description and generate a web browser readable service data file. (See abstract).

Claims 5 and 12:

Referring to claim 5, it recites the IESC of claim 2, said service wrapper further comprising a protocol stack for managing communications in the telephony environment.

Lee Jr. teaches a service wrapper at col. 4, lines 44-54. Lee Jr. does explicitly suggest a protocol stack for managing communications in the telephony environment. However, Tschirhart teaches such a protocol. (See Fig. 3 and col. 3, lines 41-50).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the service wrapper taught by Lee Jr. with a protocol stack in a telephony environment as disclosed by Tschirhart.

This system can be tailored to a proprietary protocol or an open protocol for that matter. Thus, claim 5 is rejected. Claim 12 recites the same limitation and is therefore rejected for the same reason.

Lee teaches a web interface to a telecommunications network which includes a service logic parser adapted to parse a service logic description and generate a web

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browser readable service data file therefrom, and at least one web page adapted to display information in the service data files and prompt for user input in response thereto. A call scripting process is adapted to continuously receive the user inputs entered on the at least one web page and continuously communicate the user inputs to a node in the telecommunications network. (See col. 1, line 61-col. 2, line 3.) Thus, Lee is indistinguishable from the present invention. It follows that Lee reads on the subject invention clearly anticipating it; above claims are thus rejected.

7. THIS ACTION IS MADE FINAL.

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (571) 272-3997. The examiner can normally be reached on 8:30 - 5:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Emmanuel Coffy
Patent Examiner
Art Unit 2157

***EC
February 9, 2005



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